

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:03CR219-DJS
	)	
MICHAEL DUNN,	)	
	)	
Defendant.	)	

ORDER

Sentence in this case was imposed on September 26, 2003. The latest pro se filing by defendant is a letter requesting "credit" for time served on a five-year sentence imposed in the Circuit Court of St. Louis County on May 18, 2004, or a determination that the sentence in this case run concurrent with that five-year Missouri sentence. Defendant therefore seeks relief concerning his federal sentence on the basis of a state sentence imposed eight months after the sentence imposed by this Court.

To the extent the request concerns the proper determination of credit toward the sentence imposed in this case, the Court has no such authority. The Bureau of Prisons, by delegation from the Attorney General, is vested with the authority to determine credit toward a sentence of imprisonment. See United States v. Wilson, 503 U.S. 329, 333-34 (1992); United States v. Moore, 978 F.2d 1029, 1031 (8th Cir. 1992).

To the extent the request seeks a modification of the judgment entered herein, the Court lacks authority to do so. The Court's authority to change or reduce a sentence previously imposed is strictly limited under Rule 35 of the Federal Rules of Criminal Procedure and 18 U.S.C. §3582(c). Those provisions do not allow a modification on the basis urged by defendant here, namely a state sentence subsequently imposed.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Michael Dunn's letter received August 16, 2006 is construed as a pro se motion for modification of sentence [Doc. #54] and is denied.

Dated this 23<sup>rd</sup> day of August, 2006.

/s/Donald J. Stohr  
UNITED STATES DISTRICT JUDGE